File 160

Travis. Bounty.

abst 492

Henry Warnell. d.a

Heirs.

507 Acres.

CERTIFICATE No.

Pa.a

Jan 27 1851

20. Heirs of.

no 40 Vol 6.

Mgl.

Contents.

6 Papers &

2 Oldwrap

10/27/90.

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3 Aff of heirship
4. Power Atty
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6. Deposition
7+8 Old Wrappers

No. 9577

REPUBLIC OF TEXAS.

960 Acres.

KNOW ALL MEN TO WHOM THESE PRESENTS SHALL COME,

That Henry Warnell having served faithfully and honorably for the Term of ..... Months, from the Seventeenth day of November 1835 until the Sixth day of March 1836 and having been, in that day Killed, while in the service is entitled to 640 Augmentation and 320 Acres Bounty Land; for which this is his CERTIFICATE.

And the said Henry Warnell his heirs or assigns is entitled to hold said Land, or to sell, alienate, convey and donate the same; and to exercise all rights of ownership over it.

In Testimony whereof, I have hereunto set my Hand, at Austin this Third day of August 1840

Approved January 27 1851

Ben F. Hill

Adjt Genl B. T. Archer

SECRETARY OF WAR.

960
507
453 Acres

Intelligencer Office, Houston.

File 160

Travis Bounty

Warrant

Henry Warnell dec'd

960 Acres

Reg'd Vol 6 p 140

Rondeau

~~567 acres patented~~

393 acres

No transfer –

Aug. 18 58.

Henry Warnell

By

Edward Burleson

Located West of San

Marcos – adjoining

John R Kings – on

the South West – 18th of

Decemd – 1847 –

James R. Pace

Dist Surveyor

Variation 10° 30' East.

State of Texas
Travis County.

Survey No. 21 of 507 acres of land made for Henry Warnell being part of the quantity to which he is entitled by virtue of Military certificate No. 9579. issued by the Secretary of War 3d day of August 1840. Said Survey is situated in Comal and Guadalupe Counties about seven miles South West of San Marcos Spring in the District of Travis

Beginning on a stone mound on the old Nacogdoches and Bexar road South corner of John R King's Survey No. 20 –

Thence N 45° W. 5735 vrs. to a stone mound in the South East boundary line of Isaac Lowe's survey No. 2.

Thence S 45° W. 500 vrs. to a stone mound in the North East boundary line of William Vanhorn's Survey No. 18 Small live oak bearing trees. –

Thence S 45° E 5712 vrs to the San Antonio road and East corner of Vanhorn's survey a stone mound for corner

Thence with the San Antonio road N 47° E 500 vrs to the beginning –

E. Burleson –
Samuel Shelton } Chainers }

I James R Pace district surveyor for Travis declare under my official oath that the foregoing survey was made by me according to law in November 1848 and the corners marks & natural and artificial are truly represented – Recorded page 84

Given under my hand in Austin 24th day of January 1857.

James. R. Pace
Dist. Surv. Tra. Dist.

V File 160

Travis Bounty

Field Notes 507 Acres

Henry Warnell dec.

Patented Jan 27th

1851 Kimbell

On application of John Warnell only heir of Henry Warnell, personally appeared before the undersigned Authority S.G. Sneed, to me personally well known and having been duly sworn stated that he knew Henry Warnell, who was killed in the Alamo, that he knew him in 1831-32-33, & 34 intimately. That he knew him to be a married man by repute, & knew his wife, who was Lydia Ragsdale. That he knew of her death by report, & saw her infant, at the birth of which, she was said to have died. He saw the boy John Warnell in 1834 and in 1835, & have known him ever since, from having seen him at his, Sneed's home & at Dennis Hammel's house, Dennis Hammel having raised said Jno. Warnell after the death of Henry Warnell his father, or at least Hammel had the care of John after Henry, his father went to Texas. That the person now present is the same John Warnell, & the only known heir of Henry Warnell known to said Sneed, and he believes the only one known to any one, for he Sneed, knew his father well, & had known John from his infancy.

Subscribed & sworn to before me this 20. February 1860.

S G Sneed

W. J. Hotchkiss
Com of Claims

3 Fild 1640

Travis 1 Bounty

Aff. of heirship

Henry Warnell aw

Filed Feby 22/60

Fee for copy
50 cts Ram

State of Texas } Know all men by these presents
Travis County } that I, John Warnell, only heir
of Henry Warnell, who was killed at the
Alamo, under Col. Travis, have nominated
constituted and hereby appoint D. C. Freeman
for my true, & lawful attorney in fact, for me
& in my name, to apply for and receive
any and all land certificates which may
be or are due me from the state of Texas or
otherwise as the heir of Henry Warnell dec'd.
and also to receive any money due me as
heir aforesaid, to locate said land certifi-
cates, and perfect the title thereto, and in
general to do and perform any and all things
necessary to protect my interests in said claims
In consideration of the services of my said atty.
in and about the above business, I agree & bind
myself to make to him a good, & valid deed to
one half of said lands or certificates, so soon
as the same shall have been located, & the
fieldnotes returned to the General Land office,
but if I prefer to sell said certificates after
they are issued, & before location, I bind my-
self to give to my said attorney, the said
D. C. Freeman, ten cents per acre for
his services in getting said certificates
and also to give him the preference to buy
said certificates at the market price. I

X

also give to said Freeman power to substitute any one else to act for him under this power of atty. & grant to said substitute like powers & rights, & this instrument shall be irrevocable. In testimony whereof I hereto set my hand, & seal this fourteenth day of February 1860.

John his mark Warnell

Test.
W. A. Tarleton
J. B. Hellingsworth

State of Texas
Travis County

Before me the undersigned authority this day personally appeared John Warnell made known to me by S. C. Freeman of the City of Austin who acknowledged that he signed the foregoing instrument by making his mark for the uses & purposes therein set forth.

In testimony of which I hereunto set my hand and impress of my official seal this 14th day of Feby AD 1860.

J. Crosby
Notary Public
Travis County.

X1

John Warnell
To Pow. of Atty.
D. C. Freeman Jr

File with claim
Feby 21st 1860

(X) 2

4 Feld 160
Travis Bounty
John Warnell
To Power Atty
D. C. Freeman
Filed Feby 21/60

John Warnell } United State District Court
vs } Western District of Texas
Jackson Thompson } at Austin.

To the defendant Jackson Thompson or Mess Oldham & Terrell his Attys. You are hereby notified that in pursuance of an agreement between the attorneys for the parties to the above entitled cause now on file the answer of Dennis Trammell of Sebastian County Arkansas will be taken to the annexed interrogatories on the 27th day of August 1857, before John B. Costa Chief Justice of Travis County at his office in the Court House of said County which answers will be read as evidence on the part of the plaintiff on the trial of said Cause.

June 17th 1857. Turner & Speed attys for Pltff.

John Warnell }
vs }
Jackson Thompson }

Interrogatories propounded to Dennis Trammell of Sebastian County Arkansas

Int. 1st Are you acquainted with parties to this suit, or either ~~of the~~ which of them?

Interrogatory 2nd If you state that you are acquainted with the plaintiff John Warnell, when did you become acquainted with him first; what length of time have you known him; What was the name of John Warnell's father if you know

Int. 3 If you state that the name of the plaintiffs father was Henry Warnell, then state if Henry Warnell was

ever married. If yea to whom was the said Henry Warnell married? Was he married more or only once? How long did you know Henry Warnell after his marriage? did the said Henry continue to live with his said wife & did they live together as man & wife? If yea how long. State whether said Henry Warnell ever had any children by said wife? If yea what are their names? Is said Henry Warnell or his wife dead or alive? if both are dead when did each die, & how did they die?

Int 4th When was the said John Warnell born, & is the said John the only child, & heir of the said Henry Warnell or not?

Int 5th Do you know anything of about Henry Warnell ever having emigrated to the Republic of Texas now State of Texas. if yea in what year did he emigrate, ~~&~~ where did he leave the plaintiff John Warnell, & what had become of the mother of John at the time Henry his father emigrated to Texas if you know. Describe the personal appearance, the hight, weight, complexion, & habits of the said Henry Warnell?

Int 6 When & where did Henry, the father of the Plaintiff John die & in what manner. If you cannot state of your own knowledged, state what was the common report & rumor in the neighborhood where said Henry Warnell resided previous to his death about the manner he came to his death?

Int 7th State whether John Warnell ever came to Texas

Int 7th When? How long did he reside in Texas & how old is the said John Warnell?

Int 8th How long did Henry Warnell live with his said wife the mother of Plaintiff if you know? Did they live together as man & wife? Were they reputed to be man & wife in the neighborhood where they resided & state whether they claimed to be man & wife, & whether the said Henry Warnell claimed the Plaintiff as his son or not? In whose charge did the said Henry Warnell leave the Plaintiff John Warnell when the said Henry left for Texas?

Int 9th State all you may know that may benefit the parties to this suit in regard to the matters about which you have specially interrogated? Turner & Sneed attys for Plff.

Service of the within notice & interrogatories is acknowledged & the three days notice & commission waived & it is agreed that any officer authorized by the laws of the state take the answers of D. Trammell to the within interrogatories & cross interrogatories this 27 day of July 1857 - Oldham & Terrell attys for deft.

John Warnell vs Jackson Thompson } In the United States Dis Trict Court for the Western District of Texas

The defendant Jackson Thompson by his attorneys propounds to Dennis Trammell the following cross interrogatories viz.

X Int 1st Have you any interest in the result of this Cause? Was not this suit brought at your ins-

stance? Did you never act as agent for John Warnell in the employment of his Counsel? Have you no interest in the property sued for by Warnell dependant on his success in this Cause?

X Int 2nd How old was the father of John Warnell in the Spring of AD 1836? How old was the said John at that date?

X Int 3rd When & where did the father of John Warnell marry the mother of the said John, in what County & in what State. In what County did you live at the date of their marriage & were you present when they married?

X Int 4th How old is John Warnell now? Who is his nearest kinsman, & where does he or she reside? in what County & State?

Oldham & Terrell
attys for Deft.

5 File 160
Travis Bourty

Interrogatories and Cross Interrogatories propounded
v. Dennis Trammell

Filed Feb. 25th 1860

Fee for Copy
$1.50 Bam

John Warnell
vs
Jackson Thompson

United States District Court
Western Dist of Texas at
Austin

The answer of Dennis Hammell witness to the direct and cross interogatories propounded to him in the above case to wit.

Ans to 1st Int. I know the plaintiff John Warnell

" " 2d " About the year 1832 or 3 since that time Henry Warnell

" " 3d " I do not know that Henry Warnell was ever married; but do know that he lived with a woman who was respected reputed to be his wife. Lydia Bagsdale was the name of the woman. Never knew of Warnell living with any other woman. Knew Warnell till he came to Texas. They lived together three four or five years. She had a child John by the said Henry Warnell. The woman died in 1832 or 1833 in child bed. I have understood that Henry Warnell was killed at the Alamo in Texas in 1836 at the time Crockett et al were massacred.

" " 4th " John Warnell was born in 1832 or 1833 and the only heir, so far as I know to Henry Warnell.

" " 5th " Henry Warnell started for Texas in 1834 or 1835. He left the pltff. John at Thom. Hammells in Crawford County Arkansas. His mother was then dead. Henry Warnell was a little red headed fellow about five feet four or five inches

TI

Weighed about 118 pounds, freckled face and had a small knot over one of his eyes. Chewed a great deal of tobacco. Considerable talker sometimes, drank whiskey, race rider and a good hunter, talked about horses a great deal.

Ans. to Intg. 6th This has been answered in answer to intg. three

" " " 7th The rumor was common that Henry Warnell was massacred at the Alamo with Crocket et al.

" " " 7th I saw John Warnell on his way to Texas. I never saw him in this state. Don't know that ever resided in ~~this~~ Texas for any length of time. Think I saw him on his way to Texas in 1844. John Warnell is about twenty four or twenty five years old.

" " " 8th I have stated that he lived with his reputed wife some four or five years. They were reputed to be man and wife — I never heard such fact questioned. They themselves claimed to be man and wife, and Henry claimed the boy John as his son. When the said Henry Warnell left for Texas he gave the boy John into the keeping of Sam Brannwell. He (John) afterwards lived with ~~me~~ witness five or six years.

Ans. to Intg. 9th I know nothing further that will benefit the parties to the suit.

Answers to Cross interrogatories

Ans. to x Intg. 1st None that I know of. The suit was not brought at my instance. I spoke to the counsel for him at his request. I have no interest in the world that I know of except as a friend

Ans to x Party 2d He was 25 or 26 years old; perhaps a little over
John was about 2 or 2½ years old, might
have been three.

.. ..x.... 3d They lived in Sevier County Arkansas.
They were reputed to have been married there.
I dont know of my own knowledge that they were
married, they lived together as man and wife,
and were reputed to be such. I was not present
when they were married.

. x .. 4th He was 24 or 25 years old

Warnell Polk lives now in Caldwell
County Texas; he is nearest I know of.

Sworn to and subscribed
before me August 7th 1857
John B Costa
Chief Justice Travis Co.

Dennis Hammell

State of Texas
County of Travis

I John B. Costa chief Justice for said County
of Travis do hereby certify that the within & foregoing
answers of Dennis Hammell a witness to the direct &
cross interrogatories propounded to him in said case of
John Warnell vs Jackson Thompson were signed and
sworn to by said Hammell before me on the 7th
day of August AD 1857. Given under my hand &
the seal of my office at Austin the
and date last above written.

Seal

John B. Costa
Chief Justice Travis County

Travis County

Dennis Trammell's Deposition

Filed Feby 23th 1860

Fee for copy
$1.50 Rain

Filed Feby 23/60

73

Comal & Guadalupe
51.
59 (?)

Comal & Hays

File 160

Travis Bounty

Henry Warnell decd

507 Acres

Correct on map. Jan. 27/51
& mkd. ptd. Creuzbaur

Correct for patenting to
the heirs of Henry Warnell
decd
Smyth

Patented Jan'y 27th
1851 Kimbell

Pat. delvd to J. DeCordova June 27/51.

Mile Bal Cert for 453 acres
issued & delvd to D C Freeman
February 21. 1860. W C Walsh

mkd ptd in Br.

M. L 529

Hays Co/61.
75 62

File 160

Travis Bounty

Henry Warnell Jr Sec

507 Acres.

See old wrapper within

Patented January 27th/51

See file B. 1080 Fan. Cert. balance
" " B 1099 " balance

[illegible] Copies of [illegible]
[illegible] Travis Designation

No 40 Vol 6
27 Jany 1851

[illegible]

Mgl. 529

3343-1- 415 [illegible]
2051- 382 "